§761.72 Scrap Metal Recovery Ovens and Smelters

General

Q: ***How can I locate a smelter or scrap metal recovery oven that meets the requirements in §761.72?***

A: The PCB home page at "www.epa.gov/pcb/#PCB Waste Handlers" lists companies that have advised EPA that they comply with the requirements for scrap metal recovery ovens and smelters at 40 CFR 761.72. To determine whether EPA has verified compliance, contact the Regional PCB Coordinators. You can get a list of Regional PCB Coordinators from the PCB home page at "www.epa.gov/pcb" or by calling the TSCA hotline at (202) 554-1404.

Q: ***Do I need a TSCA disposal approval to operate a scrap metal recovery oven or smelter in accordance with the requirements of §761.72?***

A: No. However, you need a commercial storage approval unless you dispose of the PCB waste you receive directly on receipt, or you store less than 70 cubic feet or 500 liquid gallons of PCB waste at any one time (see the definition of "commercial storer of PCB waste" at §761.3, and requirements pertaining to commercial storage approvals at §761.65(d)).

Q: ***Must I notify a smelter when I send waste that contains PCBs?***

A: The Disposal Amendments do not require you to notify a smelter that it is receiving waste that contains PCBs. The disposer of the PCB waste is responsible for ensuring that it is properly disposed of in a facility that meets the regulatory requirements for disposal of PCB waste.

Q: ***Do smelters that are subject to Subparts J and K have to keep a PCB log?***

A: It depends. The smelter must keep a record in its annual document log of waste that is manifested to the smelter. Not all PCB waste disposed of in a scrap metal recovery oven or smelter is subject to manifesting.

Q: ***Must I manifest drained PCB-Contaminated Electrical Equipment (known to contain ≥50 and <500 ppm PCBs) to a scrap metal recovery oven that meets the requirements of §761.72? Must the scrap metal recovery oven issue a certificate of disposal?***

A: No. Drained PCB-Contaminated Articles, including drained PCB-Contaminated Electrical Equipment, are not subject to manifesting requirements. (See §761.60(b)(6)(ii)(C).) A disposal facility need not issue a certificate of disposal for waste that is not required to be manifested to it.

Q: ***Must I manifest PCB waste at surface concentrations ≥100µg/100cm^2 when sending it to a smelter? Must the smelter issue a certificate of disposal?***

A: Yes, you must manifest the waste and the smelter must issue a certificate of disposal. (See §761.72(c)(2).)

Q: ***I operate a smelter that accepts PCB waste for disposal. Must I have a commercial storage approval?***

A: Yes, unless you dispose of the PCB waste directly on receipt, or you store less than 70 cubic feet or 500 liquid gallons of PCB waste at any one time. Otherwise, you must apply for and receive a commercial storage approval under §761.65(d) before you accept the waste.

§761.72(a) Scrap metal recovery ovens

Q: ***My company operates a scrap metal recovery oven that is in compliance with §761.72(a) and (c). Are the operating requirements of §761.72(a) performance-based, or must my company wipe sample all metals after they go through the burning process?***

A: If your scrap metal recovery oven is operating in compliance with §761.72(a) and is accepting only PCB waste allowed to go to a scrap metal recovery oven under the Disposal Amendments, EPA considers the PCBs disposed of after they have been treated in the oven. You do not need to wipe sample the metals after they have been through the burning process.

Q: ***My company wants to dispose of drained PCB-Contaminated Transformers in a scrap metal recovery oven. Our state air pollution permit restricts material input to drained transformers and electrical equipment previously containing <500 ppm PCBs. Does this material input standard meet the requirement of §761.72?***

A: Yes. Under §761.72(a)(7), emissions from the secondary chamber of a scrap metal recovery oven must be vented through an exhaust gas stack in accordance with State or local air regulations or permits, or standards specified in §761.72(a)(8). It is not necessary to have an emissions standard for PCBs in an a State or local air permit, so long as your permit acknowledges that the secondary chamber vents through an exhaust stack and emissions are in compliance with State and local air regulations.

Q: ***Will EPA review state or local air pollution permits to ensure that the permits meet the requirements of §761.72(a)(7) and §761.72(c)(1)?***

A: The Disposal Amendments do not require you to submit state or local air permits for EPA's review to ensure compliance with §761.72(a)(7) or §761.72(c)(1). It is the obligation of the owner or operator of the scrap metal recovery oven or smelter to ensure

that the facility maintains a valid (currently in-force) air permit with the appropriate state or local authority.

§761.72(b) Smelters

Q: ***May I dispose of PCB bulk product waste in a facility that meets the requirements of §761.72(b) but does not have the primary function of a smelter?***

A: Yes.

Q: ***May I send waste to a smelter that does not meet the requirements in §761.72(b)?***

A: You may send waste to a smelter that does not meet the requirements of §761.72(b) if the level of PCB contamination in the waste is <50 ppm or $\leq$10 μg/100 cm^2.

§761.72(c) Risk assessment and public participation

Q: ***I operate a scrap metal recovery oven that meets the requirements of §761.72(a), but does not have a RCRA permit. Under §761.72(c), must I get approval from the Region?***

A: Section 761.72(c)(1) requires that a scrap metal recovery oven or smelter have a final RCRA permit or be operating under a valid state air emissions permit that includes a standard for PCBs. This is to ensure that the facility's operations have been evaluated through a process that includes a risk assessment and public participation. Alternatively, under §761.72(c)(3), the EPA Regional Administrator may make a finding based on a site-specific risk assessment that a scrap metal recovery oven or smelter does not pose an unreasonable risk of injury to health or the environment even though it does not have a state air permit that includes an air emissions standard for PCBs. Each Region offers an opportunity for public participation in the process of making such a finding.

Q: ***Under §761.72(c)(3), if a company develops a risk assessment for their scrap metal recovery oven or smelter which demonstrates that the equipment poses no unreasonable risk of injury to health and the environment, must they comply with §761.72?***

A: Yes. A scrap metal recovery oven must comply with the operating requirements of §761.72(a). A smelter must comply with the operating requirements of §761.72(b). In addition, the facility must have gone through an approval process involving public participation and a risk assessment. If your facility does not meet the operating requirements of §761.72(a) or (b), you may ask the EPA Regional Administrator to issue an alternate disposal approval under §761.60(e) based on risk.

§761.79 Decontamination

General

Q: Must I always use the Spill Cleanup Policy to clean up a fresh spill onto a porous surface?

A: You may clean up a spill to a nonimpervious solid surface (see the definition of that term at §761.123) using the Spill Cleanup Policy if the spill is less than 72 hours old. If the spill is less than 72 hours old and the porous surface is concrete, you may decontaminate the concrete under §761.79(b)(4). As an alternative to decontamination, you may clean up and dispose of any spill to a porous surface if you follow the self-implementing cleanup and disposal procedures under §761.61(a) (it does not matter whether the spill is more or less than 72 hours old).

Q: May I use §761.79 to decontaminate equipment such as shovels used during a cleanup under the Spill Cleanup Policy?

A: The Spill Cleanup Policy does not address this question. You may decontaminate movable equipment, tools, and sampling equipment under §761.79(c)(2).

§761.79(a) Applicability

Q: May I decontaminate an intact PCB-Contaminated Transformer by draining and flushing the transformer?

A: No. The decontamination standards do not apply to intact electrical equipment such as transformers. You may decontaminate the non-porous surfaces in a PCB-Contaminated transformer after disassembling it and removing the paper and other porous materials. This means that you must detank a PCB-Contaminated transformer and separate the metal and non-metal materials. In order to decontaminate the metal from a PCB-Contaminated transformer, it is necessary to make all surfaces available for solvent contact and the rinsing necessary for completing decontamination. You may do this by removing all contents from the tank, separating any core laminations and unwinding and stripping any insulation from the coils. The porous materials cannot be decontaminated. To reduce the PCB concentration in an intact PCB Transformer still in use, see the reclassification rules at §761.30(a)(2)(v).

§761.79(a)(1) When do I need a TSCA disposal approval?

Q: Do I need an approval to strip insulation from cable?

A: No. Stripping of insulation is a self-implementing decontamination activity allowed in §761.79(b). As such, you do not need a processing for disposal approval (see §761.20(c)(2)(ii)). However, you may need a commercial storage approval if you store over 500 gallons or 70 cu.ft. of waste at any one time.

Q: Do I need a TSCA approval to use a piece of equipment to remove paint that contains PCBs?

A: If the equipment removes the paint through scraping, abrasion, or scarification, you do not need a TSCA processing for disposal approval to operate the equipment, since these are self-implementing decontamination activities allowed in §761.79(b) (see §761.20(c)(2)(ii)). If you remove the paint by a process not included in §761.79(b) or (c), such as using a heat gun or torch, you need a TSCA processing for disposal approval under §761.20(c)(2)(ii) or an alternative decontamination approval under §761.79(h).

§761.79(a)(3) Use of decontaminated materials

Q: If material previously contaminated with PCBs already meets the decontamination standards, do I still have to follow the decontamination requirements in §761.79 in order to use the material?

A: No, if the material already meets the decontamination standards it is authorized for use under §761.30(u) and for distribution in commerce under §761.20(c)(5)(ii) without further decontamination.

Q: If I decontaminate a shovel is after using it to clean up a spill, may I reuse the shovel?

A: Yes, you may reuse the shovel as long as you decontaminate it in accordance with §761.79.

Q: Can a facility reuse a diesel pump that had PCB fluid in the crankcase, if it has been drained and decontaminated?

A: You may reuse the pump as long as you decontaminate it in accordance with §761.79.

§761.79(b)

<u>General</u>

Q: Does the list of approved PODFs in §761.79(c) limit the type of solvents that may be used for decontamination under §761.79(b)?

A: No. There are no restrictions on the solvent used under §761.79(b) as long as the regulated surface level concentrations are met.

Q: Is soil washing a decontamination method?

A: No. Section §761.79 provides decontamination standards and procedures for water, organic liquids, non-porous surfaces, concrete, and non-porous surfaces covered with a porous surface (such as paint on metal). The rules do not allow decontamination of soil.

Soil washing under certain conditions is an authorized method for self-implementing cleanup of PCB remediation waste (see §761.61(a)(5)(i)(A)).

Q: ***If a facility does decontamination under the performance-based procedures, does the facility have to submit an annual report?***

A: Decontamination is a form of processing for disposal that does not in itself make the facility subject to the annual reporting requirements. If the decontamination facility is a commercial storer or disposer, it must submit an annual report (see §761.180(b)(3)).

Porous surfaces

Q: ***My company transports PCB Transformers and PCB-Contaminated transformers on wood trailer beds. Transformers sometimes leak during transportation, contaminating the wood with oil ≥50 ppm. Can I decontaminate the wood trailer beds under §761.79, or must I follow the requirements for reuse of a porous surface in §761.30(p)? What should I do if I follow §761.30(p) and the wood becomes recontaminated?***

A: The Disposal Amendments do not include decontamination standards or procedures for wood. To continue to use the contaminated wood trailer bed, you must follow the requirements of §761.30(p). Follow the procedures at §761.30(p) as to all exposed, accessible porous surfaces that are contaminated (this may include the underside of the trailer). After complying with §761.30(p), you may continue to use the wood trailer bed for its original purpose of transporting electrical equipment, but you may not sell or otherwise distribute it. If the wood becomes recontaminated, since there is no procedure for decontamination, you must follow §761.30(p) again. To prevent recurring contamination, you may wish to place metal containment pans between the leaking equipment and the wooden bed. Once the trailer bed has reached the end of it useful life, you must dispose of it in accordance with §761.61.

§761.79(b)(1) Water

Q: ***Why was the definition of "navigable waters" used in §761.79(b)(1)(ii) instead of simply "waters in the U.S." or "waters of a State" since navigable waters under the Clean Water Act only includes very large bodies of water used for commerce?***

A: The Clean Water Act defines "navigable waters" as "the waters of the United States, including the territorial seas." 33 U.S.C. 1362(7). This definition is not limited to waters that are actually navigable. Congress intended to give "navigable waters" the broadest possible interpretation consistent with the Commerce Clause of the U.S. Constitution. The definition includes interstate waters (including interstate wetlands), all waters that can be used in interstate or foreign commerce, wetlands adjacent to U.S. waters, isolated waters such as lakes and ponds that are affected by interstate commerce, and even non-navigable mosquito canals that empty into waters of the U.S. For information on a specific water body, contact the Regional PCB Coordinator.

Q: Section 761.79(b)(1)(i) sets a <200 µg/L PCB decontamination standard for the non-contact use of water in a closed system where there are no releases. To what type of facility does this refer?

A: A closed cooling system is an example of the facility referred to in §761.79(b)(1)(i). If you are not sure whether your system meets this standard, contact the Regional PCB Coordinator.

§761.79(b)(2) Organic liquids

Q: What does it mean to decontaminate a solvent?

A: Decontaminating a solvent means removing the PCBs from the solvent, such as by distillation or filtration.

§761.79(b)(3) Non-porous surfaces

Q: When decontaminating a non-porous surface covered with a porous surface such as paint contaminated with PCBs during manufacture, must I remove the paint?

A: You have two options for decontaminating this non-porous surface -- only one option requires you to remove the paint. Under §761.79(b)(3), you may decontaminate the non-porous surface by removing the non-liquid PCBs (in this case, paint) to specified visual standards, depending on the future use or disposal of the non-porous surface. This is the only non-thermal decontamination option available in the regulations for painted metal surfaces. Your other decontamination option is to use thermal processes as specified in §761.79(c)(6). You also have the option of disposing of the non-porous surface as a PCB bulk product waste (see §761.62) without removing the paint.

Q: My facility repairs and reclassifies transformers. How do I decontaminate a painted transformer tank contaminated by transformer fluid containing PCBs? Must I remove the contaminated paint for the transformer to be reused?

A: The painted transformer tank is a non-porous surface with a porous coating contaminated by liquid PCBs. One option is to remove the contaminated coating from the surface by cleaning to the NACE visual standard (see §761.79(b)(3)(i)(B)), then confirm that this cleaning has removed the liquid PCBs from the underlying non-porous metal surface to $\leq 10\ \mu g/100\ cm^2$ (see §761.79(b)(3)(i)(A)). Decontaminate the underlying non-porous surface if necessary to remove residual contamination from the spilled liquid.

Alternatively, you may demonstrate that the paint can be decontaminated as part of a request for an alternative decontamination approval under §761.79(h). Consult with your regional PCB Program Coordinator to develop a process for verifying that the decontamination method is effective.

Q: ***May I decontaminate a spill of liquid PCBs onto a painted metal surface in accordance with the Spill Cleanup Policy?***

A: Yes, under certain circumstances. The Spill Cleanup Policy was created to address the cleanup of fresh spills. EPA interprets the Spill Cleanup Policy as being available to a party only if it begins cleanup within 24/48 hours after discovery of a spill, which is 72 hours old or less. The painted surface must be cleaned up in accordance with requirements for non-impervious solid surfaces (see the definition of that term at §761.123). The Spill Cleanup Policy requirements for non-impervious solid surfaces depend on the concentration of the PCBs in the spill, the volume of PCBs in the spill, and the location/potential use of the cleaned up surfaces.

Q: ***Where is the NACE visual standard found?***

A: The NACE standard can be obtained from the National Association of Corrosion Engineers, or can be found in the docket (#C3-012). The full reference for the standard can be found at 63 FR 35432 (#27).

Q: ***When decontaminating a non-porous surface to meet NACE Visual Standard No. 2 or No. 3, must I blast clean the surface with an abrasive as designated in the procedure, or can I use other methods such as scraping, stripping, or pulling?***

A: You may use any of the methods listed in §761.79(b), such as chopping spraying, soaking, wiping, stripping of insulation, scraping, scarification or the use of abrasives or solvents, to attain the visual standards required in §761.79(b)(3).

Q: ***My company strips PCB-containing plastic insulation from wire cable for purposes of metal reclamation by smelting. If the resulting wire (not the plastic) contains PCB concentrations $\leq$10µg/100cm^2, would this wire be regulated for disposal?***

A: For disposal in a smelter, the decontamination standard for non-porous surfaces in contact with non-liquid PCBs (such as wire in contact with insulation) is NACE Visual Standard No. 3, not a measurement from a surface wipe sample. (See §761.79(b)(3)(ii).) Once the stripped wire meets this standard, it is regulated for disposal in a smelter that meets the requirements of §761.72(b).

§761.79(b)(4) Concrete

Q: ***Does the §761.79(b)(4) decontamination standard apply to painted concrete?***

A: No. This standard applies only to spills directly to concrete that are less than 72 hours old.

§761.79(c) Self-implementing decontamination procedures

Q: ***How must I decontaminate PCB drums that once contained PCB remediation waste?***

What about roll-offs and dump trucks?

A: Decontaminate the inside of a PCB container, such as a drum, by flushing the internal surface three times with a solvent as required in the self-implementing procedure in §761.79(c)(1). Decontaminate the outside of this equipment in accordance with the procedures for movable equipment in §761.79(c)(2). These options may not be suitable for equipment such as roll-offs or dump trucks. You may request an alternate decontamination approval under §761.79(h).

Q: May I distribute in commerce movable equipment (metal with a painted surface) with PCB concentrations <10µg/100cm^2 after I double wash/rinse the equipment, or must I also remove the painted surface to meet the NACE visual standard?

A: Once you have decontaminated equipment in accordance with §761.79(c)(2), you may distribute it in commerce under §761.20(c)(5). You need not remove the paint to meet the NACE standard.

§761.79(c)(3) Self-implementing decontamination of non-porous surfaces

Q: May I use the procedures in §761.79(c)(3) and(c)(4) to decontaminate non-porous surfaces that have been in contact with PCBs in fluids other than MODEF?

A: No.

Q: May I use mineral oil or as a performance-based organic decontamination fluid (PODF) under §761.79(c)(3) and (c)(4)?

A: Yes. Mineral oil exhibits the same solvent properties as diesel fuel, which is specified in the regulations as a PODF. EPA therefore approves the use of mineral oil as a PODF under §761.79(c)(3) and (c)(4).

Q: Is hexane considered a performance-based organic decontamination fluid? If not, will hexane have to be tested and validated for performance-based decontamination in Subpart T?

A: Yes. Hexane exhibits the same solvent properties as the PODFs specified in the regulations. EPA therefore approves the use of hexane as a PODF under §761.79(c)(3) and (c)(4) without validation under Subpart T.

§761.79(c)(5) Air compressor systems

Q: May I use sodium hydroxide or potassium hydroxide to triple rinse compressed air tanks?

A: The final rules do not specify methods for decontaminating compressed air tanks.

Spraying is a permissible decontamination method under §761.79(b), so you may decontaminate the tank by solvent spraying as long as you sample to make sure the solvent spray reduces the level of PCB contamination to the standards in §761.79(b). Another option is to request an alternative decontamination approval under §761.79(h).

§761.79(d) Decontamination solvents

Q: ***How must I store used decontamination solvents that I intend to reuse?***

A: You may reuse decontamination solvent as long as its PCB concentration is <50 ppm. There are no storage requirements for the solvent.

Q: ***If I use a solvent that meets the five percent solubility requirement of §761.79(d)(1), must I follow the validation procedure in Subpart T?***

A: No. The five percent solubility requirement and the Subpart T procedures are unrelated. Subpart T provides self-implementing criteria for validating solvent use conditions in performance-based decontamination under §761.79(c)(3) and (c)(4). The five percent solubility requirement applies to solvents used in other decontamination processes. Solubility information is available in many reference books.

Q: ***We inadvertently generate PCBs in the ≥50 to <500 ppm range in some of our chlorinated organic processes. Perchloroethylene is the most effective solvent for the waste stream. Our tests show the solubility of Arochlors in perchloroethylene is >5%. Since some of our PCB-contaminated waste streams contain decachlorobiphenyl as the largest biphenyl constituent, we also tested using decachlorobiphenyl. The result of that test was about 1%. Will the test using Arochlors be acceptable to allow us to use perchloroethylene as a solvent for decontamination of containers and during spill cleanup?***

A: You may use perchloroethylene where the PCBs are soluble at 5% and greater. You could apply for an alternative decontamination approval under §761.79(h) for the use of perchloroethylene for decachlorobiphenyl. The alternative approval might require you to measure the residual PCB concentration after solvent cleaning. The PCB rules do not specifically mention chlorinated solvents as decontamination fluids because of the problems associated with disposal of chlorinated waste solvents. However, under the new decontamination provisions, chlorinated solvents used as decontamination fluid may be distilled to levels less than 2 ppm PCBs and may be reused rather than disposed of. The PCBs in the still bottoms must be disposed of in accordance with §761.79(g).

Q: ***Should a spilled decontamination solution (used to decontaminate PCB contaminated metal with a concentration of 800 ppm) and all cleanup material be managed at 800 ppm, or can the remaining solution be tested and the spill cleanup material be managed based on actual concentration of the decontamination solution?***

A: Dispose of the remaining decontamination solution in accordance with §761.79(g) at its existing concentration. A spill of decontamination liquids is unauthorized disposal. There are two choices for this situation:

1. Use the Spill Cleanup Policy (40 CFR part 761, subpart G) to manage all waste contaminated by the spill as liquid PCBs, provided that cleanup begins within 48 hours of spill. Compliance with the Spill Cleanup Policy creates a presumption against both enforcement action for penalties and the need for further cleanup under TSCA.

2. Using §761.61, dispose of the material onto which the liquid spilled based on the PCB concentration found in the materials. EPA, however, may take enforcement action based on the original spill.

Q: Section 761.79(d) allows solvent to be reused as long as the PCB concentration is <50 ppm. To determine when the 50 ppm limit is reached, must I test the solvent after each use?

A: The PCB regulations do not specify when you must test the solvent. However, it is your responsibility to make sure that the PCB concentration of the solvent does not exceed the 50 ppm limit.

§761.79(e) Limitation of exposure and control of releases

Q: Does EPA recommend specific personal protective equipment for cutting or blasting PCB painted surfaces?

A: No. Use any type of equipment appropriate to protect the person handling the contaminated materials. The rule does not specify the type of equipment to use because this will vary from one disposal scenario to the next. You should also refer to the pertinent OSHA requirements.

Q: Are there any medical monitoring requirements (i.e., blood level checks) for personnel performing the preceding operations?

A: EPA has no such requirement. Refer to the pertinent OSHA requirements.

§761.79(f) Sampling and Recordkeeping

Q: Section 761.79(f)(1) states that the annual recordkeeping of §761.180(a) is applicable for those who perform decontamination work. However, §761.180(b)(3) and preamble page 35424, third column, state the an annual disposer report is required, even if you're decontaminating your own waste on your own site. Please clarify.

A: Decontamination in and of itself is not disposal, it is a form of processing for disposal. A

decontamination facility would have to prepare an annual document log if the facility was also a disposer or commercial storer, i.e., if it disposed of the waste it generated during decontamination activities or if it stored or disposed of waste received from others.

Q: What is the frequency of confirmatory sampling of non-porous surfaces decontaminated using a measurement-based approach under §761.79?

A: Subpart P requires you to record sampling of non-porous surfaces for every square meter of the surface. Any person wishing to use an alternate sampling frequency may apply to the EPA Regional Administrator as stated in §761.79(h)(3).

§761.79(g) Decontamination waste and residues

Q: I run a permitted PCB disposal facility. I want to buy from the Navy PCB-Contaminated wire from a pilot ship disposal program, then properly dispose of the insulation and recycle the copper. Am I a generator, and if so, of what?

A: Electrical cable containing non-liquid PCBs in non-conducting materials at concentrations ≥50 ppm in any individual component is PCB bulk product waste, which is regulated for disposal. One disposal option for PCB bulk product waste is decontamination, i.e., separation of the metal from the PCB-containing insulation (see §761.62(a)(5)).

The Navy became the generator of the waste electrical cable when it removed the cable from the ship for disposal. Even after sale of the cable to the disposer, the Navy is still the generator of the waste cable. Even though the decontamination facility separates reclaimable metal from the waste cable, the remaining PCB-containing insulation is regulated as part of the original waste stream generated by the Navy. PCB waste must be disposed of within one year from the date it was removed from service. In this case, the waste was removed from service when the Navy removed the cable from the ship. The act of separation during decontamination does not affect this date.

The decontamination facility may generate additional waste (such as rags, rinse solvents, and filters) as a result of the decontamination process. The facility is the generator of this waste. A new one year clock starts for this decontamination waste, which is regulated for disposal under §761.79(g).

Q: If I abrade paint off of coated metal, must I capture the paint dust and chips?

A: Yes, you must capture and properly dispose of the paint dust and chips. Under §761.79(g)(2), this waste is regulated at its original PCB concentration, i.e., the concentration of the paint undiluted by the abrasives.

Q: How must I dispose of filter media used to decontaminate water?

A: Dispose of filter media as a PCB remediation waste (see §761.79(g)(1)). This means that

you must dispose of the filter media at its as-found (i.e., existing) concentration.

Q: ***We reactivate granular activated carbon used to clean up water streams. Testing of the carbon reveals PCBs at <50 ppm. We told the generator that we needed to verify that the source of the PCBs was not ≥50 ppm or TSCA-regulated. He told us that under the Disposal Amendments the source of the PCBs doesn't matter, only the concentration of the carbon in the filter. Is this correct?***

A: Under §761.79(g), decontamination waste such as filter media is regulated for disposal at its existing concentration, even if that concentration is <50 ppm. The disposal options for this waste are the options available under §761.61 for PCB remediation waste.

Reactivation of granular activated carbon, depending on the processes involved in removing the PCBs from the carbon, is most likely decontamination (separation) followed by disposal (destruction) of the PCBs removed from the reactivated (decontaminated) carbon. Reactivation of activated carbon by thermal means would require an approval from the EPA Regional Administrator (see §761.79(h)). Sections 761.79(b) and (c) describe decontamination procedures which do not require an approval from the EPA Regional Administrator. Any PCBs separated from the carbon during reactivation are regulated for disposal as PCB remediation waste.

Q: ***May I decontaminate rubber gloves and respirators, or must I dispose of them?***

A: You must dispose of them as PCB remediation waste in accordance with §761.61(a)(5)(v). Rubber is a porous surface and cannot be decontaminated.

Q: ***I decontaminated metal coated with PCB paint, a PCB bulk product waste, by an abrasive blasting method leaving clean metal and a PCB waste consisting of stripped paint and spent abrasive. If §761.62 allows the original PCB bulk product waste to be disposed of in a state-approved solid waste disposal facility, is the stripped paint residue also eligible for disposal in a state-approved solid waste disposal facility?***

A: Yes. Under §761.79(g)(2), PCBs physically separated from regulated waste during decontamination are regulated for disposal at their original concentration. PCB bulk product wastes are regulated based on their leachability rather than their concentration. You may dispose of the stripped paint and spent abrasive in the same manner as if you had not removed the paint from the metal. Under §761.62(b)(1)(i), you may dispose of applied dried paints as bulk product wastes in a state approved solid waste disposal facility.

§761.79(h) Alternate Decontamination or Sampling Approval

Q: ***How often must I take and test samples to obtain approval for alternate decontamination or sampling methods under §761.79(h)?***

A: The number and frequency of samples required for alternate decontamination methods is determined on a case-by-case basis. To apply for alternate decontamination or sampling approval, a facility must submit a written application which describes the alternate method and its effectiveness to the EPA Regional Administrator in accordance with §761.79(h).

§761.180 Records and Monitoring

Q: The Disposal Amendments at §761.180(a)(1)(iii) and (b)(1)(iii) require me to include records of inspection, maintenance, clean-up, and disposal in my facility's annual records. What are some examples of these records?

A: This requirement refers to records of inspection, maintenance, clean-up, and disposal in accordance with §761.65(c)(5). Examples are records of inspections for leaks of materials containing PCBs from PCB Items in storage for disposal; records of cleanups of any materials containing PCBs that are spilled from these stored PCB Items; disposal records for the cleaned up material; and records of maintenance of PCB Items in storage for disposal.

Q: Is decontamination now considered disposal? The preamble to the new rule (on page 35424) says that disposers of PCBs (even those that dispose of waste generated on-site) must submit their annual document logs to EPA. The preamble provides, as an example of facilities that might dispose of waste generated on-site,"facilities conducting decontamination under §761.79." Please explain. Are facilities that conduct decontamination considered PCB disposers such that they must prepare and submit an annual document log?

A: Decontamination in and of itself is not disposal, it is a form of processing for disposal. A decontamination facility would have to prepare an annual document log if the facility was also a disposer or commercial storer, i.e., if it disposed of the waste it generated during decontamination activities or if it stored or disposed of waste received from others.

Q: Section §761.180 states that PCB voltage regulators must be recorded and reported as PCB transformers. Does this also apply to the registration requirements in §761.30, or do only PCB Transformers need to be registered with EPA?

A: The provision in §761.180 that PCB voltage regulators be treated as PCB transformers for purposes of recordkeeping and reporting does not extend to the registration requirements in §761.30. Only PCB transformers need to be registered with EPA.

Q: The new rule permits many PCB wastes to be disposed of at RCRA Subtitle C or municipal landfills. How do the environmental monitoring, recordkeeping, and reporting requirements at §761.75 and §761.180 apply to those landfills?

A: The requirements of §761.75 apply only to chemical waste landfills approved under TSCA. They do not apply to facilities approved under another federal or state program.

The recordkeeping requirements of §761.180 apply to all facilities disposing of or commercially storing PCBs and PCB Items, regardless of the source of their disposal approval.

Q: ***Must I include fluorescent light ballasts that contain PCBs only in the potting material in my facility's annual records?***

A: Yes, if you store at least 45 kg of PCB waste (see §761.180(a)). Any ballasts containing a leaking PCB small capacitor or PCBs at concentrations of 50 ppm or greater in the potting material are regulated for disposal as PCB waste.

Q: ***Recognizing that the 45 kg trigger is based on the weight of the material as a whole, not just the weight of the PCBs, which is the correct weight to be recorded in the Annual Document Log per §761.180(a)(2)?***

A: Record the total weight of the material in the Annual Document Log.

§761.207 The Manifest - General Requirements

§761.215 Exception reporting

§761.218 Certificate of Disposal

Subparts M-T - General

Subpart M - Natural Gas Pipeline Sampling

Subpart N - Characterization Sampling for §761.61

Q: ***Extraction methods in Subpart N (§761.269 and §761.272) are for solid matrices. Did EPA intentionally not prescribe any methods for liquids?***

A: You may use the methods for liquids set out in §761.60(g)(1)(iii).

Subpart O - Cleanup Verification Sampling for §761.61

Q: ***Can I use a verification sampling approach rather than the approach presented in Subpart O? If so, do I need to get approval before implementing it?***

A: To use another method, you must receive a risk-based sampling approval under §761.61(c) from the EPA Regional Administrator.

Subpart P - Sampling Procedures for Non-porous Surfaces

Subpart R - Sampling PCB Bulk Product Waste

Q: ***Subpart R is used to characterize collected waste for disposal yet much of the time it is placed in barrels or roll-off boxes. How does Subpart R apply to this situation?***

A: Subpart R contains procedures for sampling existing waste piles and contemporaneously sampling PCB bulk product wastes from processes that continuously generate new waste. While Subpart R doesn't apply to sampling wastes in drums or roll-offs, you may follow §761.348(a) when sampling new waste as generated before it's dumped into the containers. Subpart R does not apply to waste collected in barrels or roll-off boxes. To sample this waste, you must get a risk-based sampling approval under §761.62(c) from the EPA Regional Administrator.

Q: ***A utility wishes to determine whether cable contains a PCB concentration greater than 50 ppm for the purpose of disposal (bulk product waste). Can the utility use another method of its own choosing to determine whether the cable contains greater than 50 ppm PCBs or is the facility required to follow Subpart R?***

A: To use another method, you must receive a risk-based sampling approval under §761.62(c) from the EPA Regional Administrator.

Subpart S - Double Wash/Rinse Method for Decontaminating Non-Porous Surfaces

Q: ***Subpart S details the double rinse/wash procedure. After I follow this procedure, must I sample to verify that PCB dust or dirt has been removed from a nonporous surface?***

A: No. This is a self-implementing procedure that does not require verification sampling.

Subpart T - Validation of Alternative Decontamination Solvents

Q: ***Can Subpart T be used to validate a performance-based decontamination method using a detergent in addition to a solvent?***

A: Yes, if it can be described and demonstrated for approval.